



# OLR RESEARCH REPORT

February 14, 2012

2012-R-0095

## STATE IGNITION INTERLOCK LAWS

By: Paul Frisman, Principal Analyst

This report updates OLR Report [2010-R-0141](#) on state ignition interlock laws; the parties to whom the laws apply; and how states fund the installation, maintenance, and removal of the devices.

### SUMMARY

An ignition interlock is a breath-testing device connected to a motor vehicle's ignition system. It prevents the driver from operating the vehicle when it detects a pre-determined level of alcohol in the driver's breath. States require people convicted of driving under the influence (DUI) to equip their vehicles with the devices for specified periods of time.

According to the National Conference of State Legislatures (NCSL), all 50 states have an ignition interlock law. We have attached an NCSL chart that provides information on the laws and the offenders to whom they apply. The chart is also available on-line at State Ignition Interlock Laws.

As the chart shows, state laws vary based on several factors, including whether someone is a first-time or repeat offender and the offender's blood alcohol content (BAC) level.

According to information published by the Governors' Highway Safety Association (GHSA) in February 2012, 15 states have made ignition interlocks mandatory or highly encourage their use for all convicted drunk drivers, even those convicted of a first offense. These states are Alaska, Arizona, Arkansas, Colorado, Connecticut (see below), Hawaii, Illinois, Kansas, Louisiana, Nebraska, New Mexico, New York, Oregon, Utah, and Washington. GHSA found that use of the devices is mandatory in the following 22 states for (1) repeat offenders, (2) those with high BAC levels (generally at least 0.15), or (3) both – Alabama, Delaware, Florida, Georgia, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Hampshire, New Jersey, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming. Imposition of ignition interlock requirements is discretionary in most of the remaining states.

Connecticut distinguishes between a “first-time offense” and a “first-time conviction.” Under state law, someone who commits his or her first DUI offense may be eligible to take part in a pre-trial alcohol education program (CGS § [54-56g](#)), the successful completion of which results in dismissal of the charges. A subsequent DUI arrest and conviction of such an individual is therefore considered his or her first DUI conviction, subjecting him or her to the interlock requirement.

In almost all states, the DUI offender must pay for installing and maintaining the devices. According to the National Highway Traffic Safety Administration (NHTSA) about 20 states offset the cost for indigent defendants, either from fees paid by non-indigent offenders or through arrangements with interlock providers.

## **PROGRAM FUNDING**

### ***Program Costs***

Ignition interlock programs involve installation and removal fees and monthly maintenance payments. Because the devices are provided by private vendors, costs vary.

According to NHTSA, installation costs range from \$100 to \$250, with monthly maintenance costs ranging from \$65 to \$90 ([http://www.google.com/search?q=nhtsa+ignition+interlocks+what+you+need+to+know&rls=com.microsoft:\\*&ie=UTF-8&oe=UTF-8&startIndex=&startPage=1](http://www.google.com/search?q=nhtsa+ignition+interlocks+what+you+need+to+know&rls=com.microsoft:*&ie=UTF-8&oe=UTF-8&startIndex=&startPage=1)).

## ***Funding Methods***

NHTSA says that states generally fund interlock ignition programs, including administrative costs, through fees and surcharges paid by DUI offenders. State administrative costs vary depending on the particular ignition interlock program they use. For example, states that monitor interlock data on individual offenders incur higher costs than states that do not. A few states impose additional fees on offenders to offset these monitoring costs.

NHTSA says about 20 states offset program costs for indigent defendants from fees paid by non-indigent offenders or through arrangements with interlock providers. We provide examples from Florida, Michigan, New Mexico, Pennsylvania, and South Carolina.

### ***Funding Interlock Programs for Indigent Offenders***

***Florida.*** Florida charges an offender a \$12 interlock fee; \$70 for installation; \$67.50 for monthly monitoring and calibration; and either a \$100 refundable deposit or a \$5 monthly insurance charge. If the court finds an offender is unable to pay, it may order that a portion of the fine he or she paid for driving under the influence be used to defray the installation costs (Fla. Stat. § 316.1937).

***Michigan.*** Michigan requires manufacturers of certified ignition interlock devices to provide the device at no cost to people whose gross income is less than 150% of federal poverty guidelines. Offenders whose ignition interlock device is installed under this provision must pay a maximum daily \$2 maintenance fee (Mich. Veh. Code § 257.625k).

***New Mexico.*** New Mexico funds its interlock program for indigent offenders through (1) a fee of between \$50 and \$100 imposed on non-indigent offenders for each year they are barred from driving vehicles other than those equipped with interlocks, and (2) an annual appropriation of \$300,000 from its liquor excise tax (New Mexico Statutes, §§ 66-8-102.3 and 11-6A-3 (E)).

***Pennsylvania.*** Pennsylvania requires that ignition interlocks be installed, at the offender's expense, on each motor vehicle he or she owns. But an offender who can demonstrate financial hardship need only install the device on one vehicle. To demonstrate evidence of financial hardship the offender must show that he or she (1) has an adjusted gross household income below 200% of the federal poverty guidelines or (2) participates in a governmental assistance program (67 Pa. Code § 88.102).

**South Carolina.** South Carolina requires offenders to pay for ignition interlock devices. It requires individuals who cannot afford the cost to submit an affidavit of indigence to the state Department of Probation, Pardon and Parole Services. Upon a finding of indigence the department pays for the device from its Interlock Device Fund (S.C. Stat. § 56-5-2941).

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